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HUGO SLUIMER

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

***E-FILING***

HUGO SLUIMER,

Plaintiff,

v.

VERITY, INC., a corporation, and THE  
VERITY INC. CHANGE IN CONTROL AND  
SEVERANCE BENEFIT PLAN,

Defendants.

**CASE NO. C 081220 SI**

**DECLARATION OF KEVIN GILL IN  
SUPPORT OF PLAINTIFF'S MOTION  
FOR ATTORNEY FEES, COSTS AND  
PREJUDGMENT INTEREST**

Date: September 26, 2008

Time: 9:00 a.m.

Ctrm: 10, 19th Floor

The Honorable Susan Illston

I, Kevin G. Gill, state:

1. I am an attorney licensed to practice before all the courts of this state, and am an associate in the law firm Rimac & Martin, P.C., counsel of record to plaintiff Hugo Sluimer in the captioned action. As such, I have personal knowledge of the matters set forth herein and if called upon to testify could competently do so.

1           2.       I make this declaration in support of *Plaintiff's Motion for Attorney's Fees, Costs and*  
2 *Prejudgment Interest*, which motion is brought pursuant to Section 502(g)(1) of ERISA, 29 U.S.C.  
3 § 1132(g)(1).

4           3.       I graduated with a Bachelor of Arts degree in Architecture from the University of  
5 California, Berkeley in 1988, and became a California Licensed Architect in 1994. I received my  
6 Juris Doctor degree in 2003 from the University of California, Hastings College of the Law, and  
7 from 2001-2003 was a member and then Senior Articles Editor of the *Hastings Constitutional Law*  
8 *Quarterly*. As part of my curriculum at Hastings, I was recommended for and had the pleasure of  
9 spending one semester as a full-time Judicial Extern to the Honorable Susan Illston of the United  
10 States District Court for the Northern District of California. I was also recommended for and had  
11 the pleasure of spending one summer as a full-time Judicial Extern to the Honorable Alex  
12 Saldamando of the Superior Court of the State of California, County of San Francisco.

13           4.       I have been in private practice since 2003 focusing primarily on the  
14 representation of insurers in insurance coverage and insurance litigation matters with the law firm  
15 of Rimac & Martin, PC.

16           5.       I am a Member of the State Bar of California and have been admitted  
17 to practice before all state and federal courts in California and the Ninth Circuit Court of Appeals.

18           6.       Based on the above experience, I am informed and believe that the reasonable  
19 value of my time at present is at least \$400.00 per hour.

20           7.       Rimac & Martin, P.C. took this case on a contingency fee basis. Therefore, since  
21 approximately September 2007, Rimac & Martin, P.C. has received no compensation for our work.  
22 Furthermore, if Plaintiff did not prevail in this case, Rimac & Martin, P.C. would receive no  
23 compensation from Plaintiff.

24           8.       At all times during this action, Rimac & Martin, P.C. has maintained its attorney  
25 time records on a computerized billing system. Each attorney contemporaneously inputs the tasks  
26 or series of tasks performed and the amount of time spent in the computer or on a time sheet. Our  
27 computerized billing system contains a record of the work performed on the present case. The  
28 computerized billing system shows for each time entry the date the service was performed, the

individual performing the service (identified by initials), the nature of the services, and the time spent performing the services. Costs are also entered into that system and are itemized. The client is not billed for in house copies or computerized research, such as Westlaw. Attached as Exhibit A to the Declaration of William Reilly is a true and accurate copy of the firm's billing statements in this case as of July 31, 2008, for which an award of fees and costs is sought.

9. The billings statements do not reflect the time spent for August, 2008. My time, as recorded on my time sheets is as follows:

August 19, 2005	Edit proposed judgment	0.5 hours
August 20, 2005	Strategize re motion for attorney fees	0.2 hours
August 21, 2008	Revise and edit motion for attorney fees under ERISA	3.8 hours
August 21, 2008	Preparation of declaration of Kevin G. Gill in support of motion for attorneys' fees	<u>1.2 hours</u>
	Total	5.7 hours

5.7 hours times \$400 per hour equals an additional \$2,280.

I declare under penalty of perjury under the laws of the United States, that the foregoing is true and correct.

Executed this 22nd day of August, 2008, at San Francisco, California.

By: /s/ KEVIN G. GILL

KEVIN G. GILL